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STATEMENT TO THE PLENARY BY THE CHAIRMAN OF SPECIAL COMMISSION 2 ON THE PROGRESS OF WORK IN THAT COMMISSION

1. Special Commission 2 held three meetings at the tenth resumed session. At the end of the tenth session at Kingston, the Special Commission had established a programme of work for its current session. That programme of work, contained in paragraph 31 of document LOS/PCN/L.100, "Statement to the Plenary by the Acting Chairman of Special Commission 2 on the progress of work in that Commission", consisted of reviewing its draft final report which would be submitted to the Plenary of the Preparatory Commission.

2. At the 137th meeting of the Special Commission, the Chairman of the Commission recalled the Special Commission's decision to review its draft final report at this session and the format it had requested for the report as contained in paragraph 12 of document LOS/PCN/L.100.

3. He noted that this format called for the report to present "a summary of the mandate of the Commission, a concise summary of the overall accomplishments of the Commission, as well as the relevant documentation". He also noted that the report had correctly stated that with the changed circumstances regarding the economic viability of seabed mining, the work of the Special Commission has had to be modified to take into account those realities.

4. In this context, the Special Commission's discussions had focused on working papers and documents relating to:

(i) Provisions of the Convention relating to the structure and organization of the Enterprise, and annotations thereto;

(ii) Suggestions of the Chairman to facilitate discussions on transitional arrangements for the Enterprise;

(iii) Joint ventures as the operational option for the Enterprise in its initial operation;

(iv) The Preparatory Commission training programme.

5. The Chairman of Special Commission 2 expressed his appreciation to the Acting Chairman of the Special Commission during the tenth session at Kingston for the compromise solution he had arrived at, with regard to the issue of the status and structure of the institutional arrangement for the Enterprise during the pre-operational period (part III of LOS/PCN/SCN.2/1990/CRP.5, as well as LOS/PCN/SCN.2/1991/CRP.5/Add.2), as contained in paragraphs 13-17 of document LOS/PCN/L.100. He pointed out, however, that throughout the Special Commission's debate on the subject of transitional arrangements, the other related issues such as the purpose of the transitional arrangements and functions to be performed during this period had been resolved by consensus. He inquired of the Special Commission whether, with the time to ruminate during the inter-sessional period, further discussions on the status and structure of the institutional arrangement would lead to a consensus.

6. It was stated by the Acting Chairman during the tenth session that while LOS/PCN/L.100 reflected the situation at the time, it would be for the Coordinators of the Group of Six and the Group of 77 to meet and to decide if such a possibility existed. The Coordinator of the Group of Six noted that while the Group was satisfied with the compromise solution as contained in LOS/PCN/L.100, it would be willing to meet with the Coordinator of the Group of 77 if that Group had other proposals. The Coordinator of the Group of 77 reported that the contact group of the Group of 77 would meet on this matter. No report has been made to the Special Commission as to whether the two Coordinators have met and arrived at a consensus on the issue of the status and structure of the transitional arrangement for the Enterprise.

7. The Special Commission was unable to discuss its draft provisional final report (LOS/PCN/SCN.2/1992/CRP.6) because it was not available in the working languages of the United Nations, other than English. The Commission, however, heard the final report of the Chairman's Advisory Group on Asssumptions.

8. Since that report was also not available in the working languages of the United Nations, other than English, it could not be submitted to the Special Commission for its consideration. It was pointed out that the document was included in the Commission's draft final report and could be discussed at the eleventh session.

9. In his introduction to the final report of the Chairman's Advisory Group on Assumptions, its Coordinator, Mr. Luis Preval of Cuba, stated that its conclusion was as follows:

"In conclusion, the Group was of the view that there was a need for continuity in its work suggesting that its successors, during the period before the entry into force of the Convention, should concentrate, inter alia, on periodic analysis of world markets and metal prices, their trends and forecasts; collection of information on and evaluation of technological developments; and assessment of the state of knowledge of deep sea environments and possible impacts of mining activities. In this connection the Group believed that the Secretariat could take up these activities for the time being.

"The Australian delegation advised that an updated version of its study on the economic viability of deep seabed mining (LOS/PCN/SCN.2/WP.10) incorporating escalated dollar values would be available before the end of the year."

Programme of work for the eleventh session

10. As the Special Commission was unable to consider its draft final report at this session, it will undertake this task at the eleventh session. This will also include a review of the draft final report of the Chairman's Advisory Group on Assumptions.